



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

Staff Report Site Plan & Special Use Permit

Planning Commission Date:	July 13, 2015
Project Address	20 Hawley Street
Applicant	Alfred Weissman Real Estate, LLC
Tax ID Number	160.49-1-22
Case Number:	2015-35
Acreage:	1.72 acres
Zoning:	Downtown Business District (C-2)

REVIEW REQUESTED

This application is for the construction of two 5-story additions, containing a total of 40 residential units, at the property known as 20 Hawley Street. The proposed addition would add 90,000 square feet of floor area to the existing building and would accommodate 40 new units and 180 bedrooms.

The site is located in the C-2 Downtown Business District. The proposed project requires Series A Site Plan and Special Use Permit approval for new construction of an addition with Dwelling Units Containing More Than 4 Bedrooms.

STAFF COMMENTS

- The proposed project was approved by the Planning Commission on September 8, 2014. It has been remitted to the Planning Commission due to the determination that, prior to the September, 2015 approval, the project had been improperly classified as an Unlisted action under State Environmental Quality Review (SEQR) and, thus, the Negative Declaration that was issued was invalid. The action is now being reconsidered as a Type I action under SEQR, specifically due to its proximity to the Court Street Historic District. The Planning Commission should carefully consider any potential moderate to large impacts this project may have on the integrity of the adjacent historic district. The Planning Commission should also consider, under SEQR, any potential moderate to large adverse impacts the proposed project may have on traffic or parking in the vicinity of 20 Hawley Street.
- The applicant has cited the Collier Street facility as a potential source of parking spots to meet the proposal's minimum parking requirement of 93 parking spots. The Planning Department has issued a determination (enclosed) that the Collier Street public parking facility is at full capacity, including turnover.

COMMENTS FROM OTHER DEPARTMENTS

Per Corporation Counsel, due to the determination that the Collier Street parking facility is at capacity, it is not available to meet the proposal's minimum parking requirement. Therefore, the Planning Commission should not schedule a public hearing until the applicant finds an alternative source of off-site or on-site parking.

ADDITIONAL REVIEWS

239 L&M Review (Broome County Department of Planning & Economic Development, BMTS, NYSDOT)

- The proposed project is within 500 feet of a state road and a Broome County-owned facility, and is therefore subject to 239 distribution and comment by Broome County Department of Economic Development & Planning. 239 Comments are enclosed.

SITE REVIEW

The property known as 20 Hawley Street is a rectangular-shaped parcel containing approximately 1.72 acres of land. It is bound by Hawley Street to the north, State Street to the east, Stuart Street to the south, and Washington Street to the west. The site is currently improved with a mixed-use development, consisting of residential units occupying the 2nd-9th floors (80 units/253 bedrooms) and portions of the 1st floor (11 units/39 bedrooms) with the remainder of the ground floor, approximately 9253 sf. reserved for commercial occupancy; a 2 one-story “annex buildings,” with 8750 square feet each; and a landscaped plaza in the center of the property. Prior to the existing mixed-use occupation, the existing structures had been utilized for a variety of uses, including a bank.

The subject site offers 174 parking spaces in a sub-surface garage for tenant use, is located in close proximity to on-street metered parking spaces. A total of 295 parking spaces would be required for the existing uses if the building was not pre-existing. The subject site is within less than 150 feet of a public parking facility and within 800 feet of several private parking facilities. Bicycle racks accommodating 54 bicycle parking spaces are located outside 3 access points to the primary structure, and 18 bicycle parking spaces are offered within the sub-surface garage. Public transportation serves the site in the form of 2 bus services, Broome County Transit and Off Campus College Transport, Inc. OCC Transport is a free shuttle for Binghamton University students to its Vestal campus that operates during the academic year (2 stops an hour, Monday thru Friday (7:00am-1:00am) and hourly service on weekends) from the University Downtown Center located ~150 feet from the subject property. A new B.C. Transit bus stop will be added at the northwest corner of the site, including a new bus shelter and benches to be installed by the applicant. Additionally, 6 BC Transit bus route stops are located within close proximity of the site.

Land use in the vicinity of 20 Hawley Street is primarily mixed-use, multi-story structures and public buildings. The Broome County Veterans Memorial Arena is located to the south of the site, a commercial plaza containing a Holiday Inn hotel is located to the west, and Government Plaza to the east. The Collier Street Public Parking Garage occupies the northeast corner of State Street and Hawley Street, the Bache Building (professional offices) occupies the northwest corner. The Binghamton University Downtown Center (UDC) is located southwest of the subject property on Washington Street.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

August 2, 2010, the Planning Commission granted SUP/Series-A Site Plan approval for a mixed-use project involving the conversion of existing primary structure’s (former Marine Midland Bank) 2nd-9th floors to residential units (55 units/210 bedrooms) to multi-unit dwelling, with the 1st floor and two on-site annex buildings reserved for commercial use.

May 2, 2011, the Planning Commission granted SUP/Series A Site Plan Modification approval for modifications to a previously approved (August 2, 2010) mixed-use project in the C-2 District, to convert the 2nd-9th floors of the primary structure to 80 units/253 bedrooms, and convert portions of the 1st floor and annex buildings to residential units (11 units/39 bedrooms).

June 1, 2012, Series A Site Plan Review Exception approval was granted for a use of Restaurant, Take-Out/Carry-Out for Brewed Awakenings Café within a ~2,000 SF 1st floor tenant space.

September 26, 2013, the applicant withdrew an application to for Series A Site Plan/SUP to construct an addition containing 40 residential units to the existing building.

September 26, 2013, the applicant withdrew an application for an area variance for parking.

October 4, 2013, the applicant submitted a revised Series A Site Plan/SUP to construct an addition containing 40 residential units to the existing building, including a request to apply Sections 410.51(E)(1) and (H), such that the applicant did not have to provide onsite parking.

October 28, 2013, the Superintendent of Building and Construction issues a determination that based on Sections 410.51(E)(1) and (H) the applicant did not have to provide onsite parking.

November 13, 2013, the Planning Commission provides notice of intent to be lead agency under SEQR and determines the proposed project to be an Unlisted action.

November 21, 2013, Washington Street Associates, appeals the Superintendent's decision to the ZBA.

March 4, 2014, the ZBA overturned the Superintendent's decision. The applicant appealed the ZBA's determination to the Broome County Supreme Court.

July 28, 2014, the Supreme Court overturned the ZBA's decision and affirmed the Superintendent's decision. In addition, Planning Department is authorized to determine if the capacity of said public parking facility, including the turnover factor, has already been reached.

February 4, 2015 the Supreme Court issued a decision annulling the approval of the project and remitting it to the Planning Commission, based on the determination that the project should have been classified as a Type I action due to its proximity to the Court Street Historic District (the Historic District).

COMPATIBILITY WITH COMPREHENSIVE PLAN

The proposed expansion of this mixed-use project is consistent with the City's 2014 Comprehensive Plan. Specifically, the Comprehensive Plan identifies the creation of a mixed-use downtown as a key goal for economic development. This project will activate the remaining two corners of the block it occupies with pedestrian-generating activities at the ground level, increasing the options for downtown consumers. This project also has the potential to work in tandem with pedestrian traffic generated from events held at the Broome County Arena and surrounding public buildings.

ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Type I** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
 - a. **Type I**
 - b. Type II
 - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

SEQR EAF Part 2 - Impact Assessment. The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action involve construction on, or physical alteration of, the land surface of the proposed site?	X	
Will the proposed action result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves)?	X	
Will the proposed action affect one or more wetlands or other surface waterbodies (e.g., streams, rivers, ponds or lakes)?	X	
Will the proposed action result in new or additional use of ground water, or have the potential to introduce contaminants to ground water or an aquifer?	X	
Will the proposed action result in development on lands subject to flooding?	X	
Will the proposed action include a state regulated air emission source?	X	
Will the proposed action result in a loss of flora or fauna?	X	
Will the proposed action impact agricultural resources?	X	
Will the proposed action be obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource?	X	
Will the proposed action occur in or adjacent to a historic or archaeological resource?		X
Will the proposed action result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan?	X	
Will the proposed action result in a change to existing transportation systems?		X

Will the proposed action cause an increase in the use of any form of energy?	X	
Will the proposed action result in an increase in noise, odors, or outdoor lighting	X	
Will the proposed action have an impact on human health from exposure to new or existing sources of contaminants?	X	
Is the proposed action consistent with adopted land use plans?	X	
Is the proposed action consistent with existing neighborhood character?	X	

EAF Part 3 - Determination of significance. For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.

The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 for approval of a Special Use Permit must

be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.